

## § 408.1045

### ADMINISTRATIVE LAW JUDGE HEARING PROCEDURES

#### **§ 408.1045 What procedures apply if you request an ALJ hearing?**

(a) *General rules.* For purposes of this part, we use the same rules on ALJ hearing procedures that we use in the title XVI program (see §§ 416.1444–416.1461 of this chapter), except as noted in paragraph (b) of this section.

(b) *Exceptions.* (1) In § 416.1446(b)(1), the last sentence does not apply under this part.

(2) In § 416.1452(a)(1)(i), the words “supplemental security income” are deemed to read “SVB.”

(3) In § 416.1457, the provisions of paragraph (c)(4) do not apply under this part.

### APPEALS COUNCIL REVIEW

#### **§ 408.1050 When can you request Appeals Council review of an ALJ hearing decision or dismissal of a hearing request?**

(a) *General rules.* For purposes of this part, we use the same rules on Appeals Council review that we use in the title XVI program (see §§ 416.1467–416.1482 of this chapter), except as noted in paragraph (b) of this section.

(b) *Exceptions.* (1) In § 416.1468(b), the words “one of our offices” in the third sentence are deemed to read “any of the offices listed in § 408.1009(b).”

(2) In § 416.1469(d), the last sentence does not apply under this part.

(3) In § 416.1471, paragraph (b) does not apply under this part.

(4) In § 416.1482, the reference to “§ 416.1411” in the last sentence is deemed to read “§ 408.1011.”

### COURT REMAND CASES

#### **§ 408.1060 What happens if a Federal Court remands your case to the Commissioner?**

For purposes of this part, we use the same rules on court remand cases that we use in the title XVI program (see §§ 416.1483–416.1485 of this chapter).

## 20 CFR Ch. III (4–1–11 Edition)

### REOPENING AND REVISING DETERMINATIONS AND DECISIONS

#### **§ 408.1070 When will we reopen a final determination?**

(a) *General rules.* For purposes of this part, we use the same rules on reopening and revising determinations and decisions that we use in the title XVI program (see §§ 416.1487–416.1494 of this chapter), except as noted in paragraph (b) of this section.

(b) *Exceptions.* (1) In addition to the rule stated in § 416.1488, a determination, revised determination, or revised decision may be reopened at any time if it was fully or partially unfavorable to you, but only to correct—

(i) A clerical error; or

(ii) An error that appears on the face of the evidence that we considered when we made the determination or decision.

(2) In § 416.1492(b), the parenthetical clause is deemed to read “(see § 408.820),” and paragraph (d) does not apply to this part.

(3) In § 416.1494, the words “one of our offices” in the first sentence are deemed to read “any of the offices listed in § 408.1009(b).”

[69 FR 25955, May 10, 2004, as amended at 75 FR 44138, July 28, 2010]

### **Subpart K—Representation of Parties**

**AUTHORITY:** Secs. 702(a)(5) and 810(a) of the Social Security Act (42 U.S.C. 902(a)(5) and 1010(a)).

**SOURCE:** 69 FR 25955, May 10, 2004, unless otherwise noted.

#### **§ 408.1101 Can you appoint someone to represent you?**

(a) *General rules.* You may appoint someone to represent you in any of your dealings with us. For purposes of this part, the rules on representation of parties in §§ 416.1500–416.1505, 416.1507–416.1515 and 416.1540–416.1599 of this chapter apply except as noted in paragraph (b) of this section.

(b) *Exceptions.* For purposes of this part:

(1) In § 416.1500, paragraph (c) does not apply.